

(b) *Content of notice.* A notice of an open meeting or a meeting closed under the regular procedures in paragraph (a) of §906.5 will state the time, place, and subject matter of the meeting, whether it is to be open or closed to the public, and the name and telephone number of the Executive Secretary for information about the meeting. Each such notice shall be posted in the lobby of the Finance Board offices, and may be made available in addition by other means or at other locations as deemed desirable. Immediately following the posting of each such notice, the Finance Board will publish the notice in the FEDERAL REGISTER.

(c) *Time*—(1) *Seven days notice.* Except as provided in paragraph (c)(2) of this section, a public notice of open meetings or meetings closed under paragraph (a) of §906.5 will be made at least seven days in advance of each meeting.

(2) *Less than seven days notice.* When a majority of the Board of Directors determine by recorded vote that Finance Board business requires a meeting to be called at any earlier date, the seven-day prior notice rule may be suspended and notice shall be made at the earliest practicable time.

(d) *Amendment of notice*—(1) *Time and place.* A change in the time or place of a meeting following public notice may be made only if announced at the earliest practicable time.

(2) *Subject matter.* A change in the subject matter of a meeting or a re-determination to open or close a meeting, or portions thereof, may be made, after public notice, only if:

(i) At least a majority of the Board Directors determines by recorded vote that Finance Board business so requires and that no earlier notice of the change was possible; and

(ii) The Finance Board publicly announces the change and the vote of each Board Director by posting a notice thereof in the lobby of the Finance Board offices at the earliest practicable time.

(3) *Timing of amendment.* A public announcement of a change in either the time, place or subject matter of a meeting may be made after the commencement of the meeting affected.

(4) *Publication of amendment.* Each change to a notice of a meeting will be

published in the FEDERAL REGISTER, following the Finance Board's public announcement of the change.

## PART 908—INFORMATION COLLECTION REQUIREMENTS UNDER THE PAPERWORK REDUCTION ACT [RESERVED]

## PART 909—PRIVACY ACT PROCEDURES

### Sec.

909.1 General.

909.2 Definitions.

909.3 Procedures for requesting individual records in a system of records; appeal of denials.

909.4 Time, place and identification requirements for requests.

909.5 Disclosure of requested records.

909.6 Procedures for requesting amendment to a record in a system of records; appeal of denials.

909.7 Fees.

909.8 Penalties.

909.9 Exemptions.

AUTHORITY: 5 U.S.C. 552a.

SOURCE: 58 FR 19205, Apr. 13, 1993, unless otherwise noted.

### §909.1 General.

(a) *Purpose.* This part implements the provisions of the Privacy Act, 5 U.S.C. 552a, which require each executive agency to promulgate regulations for the protection of the privacy of individuals on whom the agency maintains information that is retrieved by reference to an individual's name or an identifying particular assigned to the individual.

(b) *Scope.* These regulations establish procedures by which: an individual may seek access under the Privacy Act to records pertaining to him or her, may request correction or amendment of such records, or may seek an accounting of disclosures of such records maintained by the agency.

### §909.2 Definitions.

As used in this part:

(a) *Amendment* means any correction, addition or deletion of information contained in a record, as defined in paragraph (g) of this section.

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(b) *Board of Directors* means the five member governing Board of Directors of the Federal Housing Finance Board.

(c) *Business days* means all days except Saturdays, Sundays, or Federal Government holidays.

(d) *Finance Board* means the Federal Housing Finance Board.

(e) *Individual* means a natural person who is either a citizen of the United States of America or an alien lawfully admitted to the United States for permanent residence. The term includes the parent(s) having custody of any minor or the legal guardian of any individual who has been declared to be incompetent due to physical or mental incapacity or age by a court of competent jurisdiction.

(f) *Maintain* means to keep or hold and preserve in an existing state, and includes the terms “collect,” “use,” “disseminate” and “control.”

(g) *Record* means any item, collection, or grouping of information about an individual that is maintained by the Finance Board within a system of records, and that contains such individual's name, or identifying number, symbol, or other identifying particular assigned to the individual, including a fingerprint, voice print or photograph.

(h) *Records systems manager* means the employee responsible for maintaining a designated system of records at the Finance Board, as such official or employee may be identified through public notice in the FEDERAL REGISTER from time to time by the Finance Board entitled: “Privacy Act of 1974: Systems of Records.”

(i) *Routine use* means the use of a record for a purpose compatible with the purpose for which it was originally created.

(j) *System of records* means a group of records maintained or controlled by the Finance Board from which information is or may be retrieved by the name of an individual or some identifying number, symbol or other identifying particular assigned to the individual.

(k) *Designated system of records* means a system of records, as defined in paragraph (j) of this section, that has been listed in the FEDERAL REGISTER as required by 5 U.S.C. 552a(e).

### **§ 909.3 Procedures for requesting individual records in a system of records; appeal of denials.**

(a) *Current or former employees.* Any current or former Finance Board employee seeking access to such employee's official personnel record maintained by the Finance Board shall submit a request to the Finance Board in the manner prescribed by regulations of the Office of Personnel Management, at title 5, Code of Federal Regulations.

(b) *Other requests.* Other requests for access to a record that contains information on the requesting individual and is maintained in a Finance Board designated system of records shall be writing, shall contain a reasonable, succinct description of the record sought, and shall identify the particular designated system of records in which the record may be maintained, as identified in a notice published by the Finance Board from time to time in the FEDERAL REGISTER.

(c) *Accounting for previous disclosures.* An individual may use the procedures of this section to request an accounting from the Finance Board of previous disclosures of records pertaining to such individual in a designated system of records, pursuant to the Privacy Act, 5 U.S.C. 552a(c).

(d) *Medical records procedures.* Information on an individual contained in medical records will be disclosed to a requesting individual in accordance with the procedures in paragraph (b) of this section and the requirements of this part, except, if in the judgment of the Finance Board the disclosure of such information could have an adverse effect on the individual, the Finance Board may withhold such information from the individual and transmit it to a licensed medical physician named by the requesting individual.

(e) *Response policy.* The Finance Board will acknowledge, or substantially respond to if practicable, a request made under this section within ten (10) business days of its receipt.

(f) *Initial review.* (1) The Executive Secretary will make the initial determination whether to grant or deny a request for records under this part, after consultation with the systems manager of the appropriate designated system of records.

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(2) The Executive Secretary will notify the requesting individual whether the Finance Board:

(i) Has the requested record in a Finance Board designated system of records; and

(ii) Will release the requested record or not.

(3) If the request is denied, the Executive Secretary will inform the requesting individual of the reasons for nondisclosure, and describe the individual's right to appeal the determination.

(g) *Appeal process.* (1) An individual who has been denied a request made pursuant to paragraph (b) of this section, may appeal to the Board of Directors, or designee, within 30 business days of being notified of the denial pursuant to paragraph (f) of this section.

(2) The appeal shall be in writing, shall be mailed or delivered to the Executive Secretary, and shall give the reasons why the initial determination should be overturned.

(3) The Board of Directors, or such official designated by the Board of Directors, shall decide on the appeal within 30 business days following receipt of the appeal by the Executive Secretary. The Board of Directors or designated official may extend the time period for good cause, after giving notice, and reason therefor, to the individual making the appeal.

(4) If a decision is made to affirm the initial denial of a request for a record by an individual, the Board of Directors or designated official shall notify the individual making the appeal of the decision and the reason therefor, and shall inform the individual of the right of judicial review of the appeal.

#### **§ 909.4 Time, place and identification requirements for requests.**

(a) *Time.* An individual may hand deliver a written request for access to or amendment of records, made under § 909.3(b) or § 909.6 of this part, to the Finance Board on any business day, between the hours of 8:30 a.m. and 5:30 p.m.

(b) *Place.* All written requests for access to or amendment of records shall be mailed or hand delivered to the Executive Secretary, Federal Housing Fi-

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nance Board, 1777 F Street, NW., Washington, DC 20006.

(c) *Identification—(1) Mailed requests.* All requests for access to or amendment of records that are mailed to the Finance Board shall be signed by the individual who is the subject of the requested record and who is making the request. The validity of each such signature shall be attested to by a notary public.

(2) *Hand delivered requests.* All requests for access to or amendment of records that are hand delivered to the Finance Board by the requesting individual shall be authenticated as to the identity of the requesting individual by two forms of identification with photographs, or by one such form of identification and a properly authenticated birth certificate.

#### **§ 909.5 Disclosure of requested record.**

(a) *Requesting individual.* Except to the extent that records pertaining to an individual are exempt from disclosure under § 909.9 of this part, or were compiled in reasonable anticipation of a civil action or proceedings, the Finance Board will make such records available upon request, pursuant to § 909.3 of this part in either of the following methods, at the option of the requesting individual:

(1) By mailing a copy of the record to the address of the requesting individual; or

(2) By making the record available for inspection and copying by the requesting individual, as soon as practicable, at the offices of the Executive Secretary on regular business days, from 9:30 a.m. until 4:30 p.m. The requesting individual may choose to be accompanied by another person during the inspection and copying by submitting a signed statement authorizing the presence of such person.

(b) *Other individuals.* (1) The Finance Board will disclose a record to a person or entity other than the requesting individual, in the manner provided by paragraph (a) of this section, only when the Finance Board:

(i) Receives a copy of a written authorization for disclosure to such person or entity signed by the requesting individual and attested to by a notary public; and

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(ii) Receives adequate identification from such person or entity.

(2) The restrictions contained in paragraph (b)(1) of this section on disclosure of a record shall not apply to:

(i) A disclosure to Finance Board officers or employees who have a need for the record in the performance of their duties;

(ii) A disclosure otherwise required by the Freedom of Information Act (5 U.S.C. 552);

(iii) A routine use listed with respect to a designated system of records;

(iv) A disclosure to the Bureau of the Census for purposes of planning or carrying out a census or survey or related activity pursuant to the provisions of title 13 of the United States Code;

(v) A disclosure to a recipient who has provided the Finance Board with advance written assurance that the record will be used solely as a statistical research or reporting record, and that the record is to be transferred in a form that is not individually identifiable;

(vi) A disclosure to the National Archives and Records Administration as a record with sufficient historical or other value to warrant its continued preservation by the Federal Government or for evaluation by the Archivist of the United States to determine whether it has such value.

(vii) A disclosure to another agency or to an instrumentality of any government jurisdiction within or under the control of the United States for civil or criminal law enforcement activity authorized by law if the head of such agency or instrumentality has made a written request to the Finance Board specifying the particular record requested and the law enforcement activity for which it is sought;

(viii) A disclosure to any person pursuant to a showing of compelling circumstances affecting the health and safety of an individual if notification of the disclosure is transmitted to the last known address of the individual who is the subject of the disclosed record;

(ix) A disclosure to a joint committee of Congress, or any subcommittee thereof, or to either House of Congress, or to any committee or joint committee, or subcommittee thereof, but only

to the extent of matter within such joint committee's, committee's or subcommittee's jurisdiction;

(x) A disclosure to the Comptroller General, or authorized representative, made in the course of performing the duties of the General Accounting Office.

(xi) Pursuant to the order of a court of competent jurisdiction; or

(xii) To a consumer reporting agency in accordance with 31 U.S.C. 3711(f).

(c) The Finance Board, with respect to each system of records under its control shall:

(1) Except for disclosures made under paragraphs (b)(1) or (b)(2) of this section, keep an accurate accounting of:

(i) The date, nature, and purpose of each disclosure of a record to any person or to another agency made under paragraph (b) of this section; and

(ii) The name and address of the person or agency to whom the disclosure is made;

(2) Retain the accounting made under paragraph (c)(1) of this section for at least five years or the life of the record, whichever is longer, after the disclosure for which the accounting is made; and

(3) Except for disclosures made under paragraph (b)(2)(vii) of this section, make the accounting made under paragraph (c)(1) of this section available to the individual named in the record at his or her request.

(4) When a record has been amended or corrected or when a statement of disagreement has been filed, the Finance Board will advise all prior recipients of the affected record whose identities may be determined pursuant to the disclosure accountings required by the Privacy Act or any other accounting previously made, of the amendment or correction or the filing of the statement of disagreement. Any disclosure of disputed information occurring after a statement of disagreement has been filed will clearly identify the specific information disputed and be accompanied by a copy of the statement of disagreement and a copy of the statement of explanation, if any, as set forth in § 909.6 of this part.

**§ 909.6 Procedures for requesting amendment to a record in a system of records; appeal of denials.**

(a) *Scope.* This section applies only to amendment of records on an individual maintained in a Finance Board system of records used in making a determination about such individual.

(b) *Individual request.* (1) Any individual may request the Finance Board to amend any portion of a record in a designated system of records pertaining to that individual, where such portion of the record is not accurate, relevant, timely or complete.

(2) A request to amend a record pursuant to this section shall be in writing, shall identify the particular designated system of records containing the record which the individual requests to amend and the portion of that record to be amended, and shall describe the reasons for the requested amendment.

(c) *Prior proceeding.* Nothing in this section shall permit a collateral attack upon any matter decided in a prior judicial, quasi-judicial or other proceeding.

(d) *Response policy.* The Finance Board shall acknowledge, or substantially reply to, if practicable, a request for amendment of records under this section.

(e) *Initial review.* (1) The Executive Secretary shall acknowledge all requests by individuals for amendment of records. The Executive Secretary shall refer all requests to the appropriate systems manager of the designated system of records containing the record to be reviewed, for disposition of the request within 10 business days of the referral. The systems manager shall promptly review the request and review the record for accuracy, relevance, timeliness, completeness or necessity.

(2) The systems manager will promptly provide to the Executive Secretary a recommendation whether the record should be amended and shall state any reasons for denying the request in any part.

(3) The Executive Secretary will promptly notify the requesting individual of his decision and reasons for any denial, and describe the individual's right to appeal any denial.

(f) *Appeal process.* (1) An individual who has been denied a request made pursuant to this section may appeal to the Board of Directors, or an official designated by the Board of Directors, within 30 business days of being notified of the denial pursuant to paragraph (e)(3) of this section.

(2) The appeal shall be in writing, shall be mailed to the Executive Secretary, and shall give the reasons why the initial determination should be overturned.

(3) The Board of Directors, or designated official, shall decide the appeal within 30 business days of its receipt by the Executive Secretary. The Board of Directors or designated official may extend the 30 day limit for good cause, after giving notice, and the reasons therefor, to the individual making the appeal.

(4) If a decision is made to affirm the initial denial of a request for a record by an individual, the Board of Directors or designated official shall notify the individual making the appeal of the decision and the reason therefor, and shall inform the individual of the right of judicial review of the appeal.

(g) *Statements.* (1) Within 30 business days after being denied an appeal pursuant to paragraph (f) of this section, an individual may submit a concise written statement of disagreement setting forth the individual's reasons for disagreeing with the Finance Board's refusal to amend the record.

(2) Such statement shall be provided to persons or other agencies or entities to whom the record is disclosed.

(3) The Finance Board may, if deemed appropriate, prepare a concise statement of explanation of the reason(s) why the requested amendment or correction was not made. Any statement of explanation will be included in the system of records in the same manner as the statement of disagreement. A copy of the statement of explanation and of the notation of the dispute as marked on the original record will be provided to the individual who requested correction or amendment of the record.

**§ 909.7 Fees.**

The Finance Board, upon a request for records disclosable pursuant to

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these regulations, shall charge a fee of \$0.10 per page for duplicating, unless:

(a) The Finance Board determines that it shall grant access to the record only by making a copy thereof;

(b) The total fee will not exceed \$2.00; or

(c) The Finance Board determines, in its sole discretion, that a reduction or waiver of the fees is warranted for good cause.

### § 909.8 Penalties.

Subsection (i)(3) of the Privacy Act of 1974 (5 U.S.C. 552a(i)(3)) imposes criminal penalties for obtaining Finance Board records on individuals under false pretenses. It provides as follows:

Any person who knowingly and willfully requests or obtains any record concerning an individual from an agency under false pretense shall be guilty of a misdemeanor and fined not more than \$5,000.00.

### § 909.9 Exemptions.

The following information is exempt from disclosure:

(a) The Office of Inspector General Investigative Files system of records is exempt from all sections of the Privacy Act (5 U.S.C. 552a) except the following: (b) relating to conditions of disclosure; (c) (1) and (2) relating to keeping and maintaining a disclosure accounting; (e)(4) (A) through (F) relating to publishing a system notice setting forth name, location, categories of individuals and records, routing uses and policies regarding storage, retrievability, access controls, retention and disposal of the records; (e) (6), (7), (9), (10) and (11) relating to dissemination and maintenance of records, and relating to criminal penalties. This system of records is also exempt from §§ 909.3, 909.4, 909.5 (a) and (c) (3) and (4), and 909.6 of this part. This exemption applies to those records and information contained in the system of records pertaining to the enforcement of criminal laws.

(b) To the extent that there may exist within this system of records and investigative files compiled for law enforcement purposes, other than material within the scope of subsection (j)(2) of the Privacy Act, the Inspector General Investigative Case Files sys-

tem of records is exempt from the following sections of the Privacy Act (5 U.S.C. 552(a)): (c)(3) relating to access to the disclosure accounting, (d) relating to access to records, (e)(1) relating to the type of information maintained in the records; (e)(4) (G), (H) and (I) relating to publishing the system notice information as to agency procedures of access and amendment and information as to the categories of sources or records, and (f) relating to developing agency rules for gaining access and making corrections. This system of records is also exempt from §§ 909.3, 909.4, 909.5 (a) and (c)(3), and 909.6 of this part.

(c) Reason for exemptions.

(1) The Office of Inspector General is a component of the Finance Board which performs, as its principal function, activity pertaining to the enforcement of criminal laws, within the meaning of 5 U.S.C. 552a(j)(2). This exemption applies only to those records and information contained in the system of records pertaining to criminal investigations. This system of records is exempt for one or more of the following reasons:

(i) To prevent interference with law enforcement proceedings.

(ii) To avoid unwarranted invasion of personal privacy by disclosure of information about third parties, including other subjects of investigation, investigators, and witnesses.

(iii) To protect the identity of Federal employees who furnish a complaint or information to the Office of the Inspector General, consistent with section 7(b) of the Inspector General Act of 1978, as amended, 5 U.S.C. App. 3.

(iv) To protect the confidentiality of non-Federal employee sources of information.

(v) To assure access to sources of confidential information, including those contained in Federal, State and local criminal law enforcement information systems.

(vi) To prevent disclosure of law enforcement techniques and procedures.

(vii) To avoid endangering the life or physical safety of confidential sources and law enforcement personnel.

(2) Investigative records within this system of records which are compiled for law enforcement purposes, other

than material within the scope of subsection (j)(2), are exempt under the provisions of 5 U.S.C. 552a(k)(2); provided, however, that if any individual is denied any right, privilege, or benefit that they would otherwise be entitled by Federal law, or for which they would otherwise be eligible, as a result of the maintenance of such material, such material shall be provided to such individual except to the extent that the disclosure of such material would reveal the identity of a source who furnished information to the Government under an express promise that the identity of the source would be held in confidence, or, prior to January 1, 1975, under an implied promise that the identity of the source would be held in confidence. This system of records is exempt for one or more of the following reasons:

- (i) To prevent interference with law enforcement proceedings.
- (ii) To protect investigatory material compiled for law enforcement purposes.
- (iii) To avoid unwarranted invasion of personal privacy, by disclosure of information about third parties, including other subjects of investigation, law enforcement personnel and sources of information.
- (iv) To fulfill commitments made to protect the confidentiality of sources.
- (v) To protect the identity of Federal employees who furnish a complaint or information of OIG, consistent with section 7(b) of the Inspector General Act of 1978, as amended, 5 U.S.C. App. 3.
- (vi) To assure access to sources of confidential information, including those contained in Federal, State and local criminal law enforcement systems.
- (vii) To prevent disclosure of law enforcement techniques and procedures.
- (viii) To avoid endangering the life or physical safety of confidential sources and law enforcement personnel.

(d) Records within a Finance Board System of records comprised of investigatory material compiled solely for the purpose of determining suitability or eligibility for Federal civilian employment, Federal contractors, or access to classified information, are exempt under the provisions of 5 U.S.C. 552a(k)(5), but only to the extent that disclosure would reveal the identity of

a source who furnished information to the Government under an express promise that the identity of the source would be held in confidence, or, prior to January 1, 1975, under an implied promise that the identity of the source would be held in confidence. This system of records is exempt for one or more of the following reasons:

(1) To fulfill commitments made to protect the confidentiality of sources.

(2) To assure access to sources of confidential information; including those contained in Federal, State, and local criminal law enforcement information systems.

(e) Testing or examination material used solely to determine or assess individual qualifications for appointment to employment at the Finance Board, or promotion therein—the disclosure of which would compromise the objectivity or fairness of the testing, evaluation or examining process is exempt under 5 U.S.C. 552a(k)(6).

## PART 910—CONSOLIDATED BONDS AND DEBENTURES

### Sec.

910.0 Definitions.

910.1 Issuance of consolidated bonds.

910.2 Form of consolidated bonds.

910.3 Transactions in consolidated bonds.

910.4 Lost, stolen, destroyed, mutilated, or defaced bonds.

910.5 Administrative provision.

910.6 Reservation of right to revoke or amend; limitations thereon.

AUTHORITY: 12 U.S.C. 1422b, 1431.

### §910.0 Definitions.

(a) *Board* means the Federal Housing Finance Board.

(b) *Consolidated bonds* means bonds or notes issued on behalf of all Federal Home Loan Banks.

(c) *Senior bonds* means consolidated bonds issued pursuant to 12 U.S.C. 1431 and this part and not defeased, other than bonds specifically subordinated to any then outstanding consolidated bonds.

(d) *Unsecured, senior liabilities* means all obligations of the Banks recognized as a liability under Generally Accepted Accounting Principles, except:

- (1) Liabilities that are covered by a perfected security interest;
- (2) Consolidated bonds;